

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA, ) CASE NO. MJ 08-587  
Plaintiff, )  
v. )  
ARMANDO LEON PENALOZA, )  
Defendant. )  
DETENTION ORDER

Offense charged:

## Conspiracy to Distribute Heroin

Date of Detention Hearing: December 23, 2008

17 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and  
18 based upon the factual findings and statement of reasons for detention hereafter set forth, finds  
19 that no condition or combination of conditions which defendant can meet will reasonably assure  
20 the appearance of defendant as required and the safety of other persons and the community.

## FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(1) Defendant is reportedly a citizen of Ecuador and Mexico.

(2) The United States alleges that his presence in this country is illegal. There is an immigration detainer pending against him. The issue of detention in this case is therefore essentially moot, as the defendant would be released to immigration custody if not detained in this case.

(3) Defendant and his counsel offer no opposition to the entry of an order of detention.

(4) Upon advice of counsel, defendant declined to be interviewed by Pretrial Services.

Therefore, there is limited information available about him.

(5) There does not appear to be any condition or combination of conditions that will reasonably assure the defendant's appearance at future Court hearings while addressing the danger to other persons or the community.

It is therefore ORDERED:

(1) Defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

(2) Defendant shall be afforded reasonable opportunity for private consultation with counsel:

(3) On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and

(4) The clerk shall direct copies of this Order to counsel for the United States, to

counsel for the defendant, to the United States Marshal, and to the United States Pretrial Services Officer.

DATED this 23rd day of December, 2008.

Mary Alice Theiler  
Mary Alice Theiler  
United States Magistrate Judge